

Weare Conservation Commission

Final Minutes

December 8, 2004

Guests included: Trevor Towne representing Jacque Belanger, surveyor; Michael Palmisano, Paul Morin, Frank Bolton, and Steve Lehmann of the Planning Board. Selectman Kurk attended as ex-officio.

Members of the Commission in attendance were: John Ciampi, Tom Carr, Andrea Alderman, and Pat Myers. Paul Kosciuzek attended as an alternate.

Tom Carr called the meeting to order at 7:05 PM.

1) Joint Meeting with Planning Board – The map used for this joint meeting was produced by SNHPC, and Tom stated that one or more additional zoning maps would be in order. Frank Bolton kicked off this meeting by presenting to the Commission his petition, stated thusly: *“In order to preserve open space and its rural character, shall the Town amend its zoning ordinance to, (a) to increase the minimum lot size on future lots from 2 to 5 acres in the rural agriculture district; (b) to increase the minimum lot frontage requirement from the current 200’ to 300’ in the rural agriculture district; (c) to increase the minimum lot size on future lots in the rural conservation overlay from the current 4 acres to 10 acres”*. Frank proceeded to indicate the various zoning districts on the zoning map to further enhance his presentation. Mr. Bolton refrained from going into further detail on his proposal because he stated that he is not prepared for it, and the timing, in his words, is not propitious. At this juncture, discussion followed. Tom:-“How do you think this might affect the cluster style of subdivision?” Frank: “It would be an incentive to the cluster development because of the construction of a shorter road, and the lots would be in 2 acre parcels”. At this point, Tom stated that he and Paul Morin have previously held brief discussions on this issue of cluster subdivisions, and both have agreed that there are advantages to open space using this concept. Tom further stated that currently the cluster regulations require a 3 bedroom maximum design, and if this restriction is lifted it would further encourage developers to lean in the direction of cluster development, since a larger home suggests a higher profit margin for the developer. Frank replied he felt the cluster regulations in Weare should be reviewed regardless how the lot size petition unfolds. Tom asked Heleen Kurk if she had any negative aspects concerning cluster development, to which she responded, “No”. While continuing in his discussion, Frank mentioned that there is in town a minority opposed to cluster development, and he also supported Holly Hill as a model for clusters. Mr. Bolton recommended studying cluster regulations of other municipalities to determine what might be best for Weare, and commented that there is plenty of data available to draw from. Paul

Morin made mention that one of the more reliable sources for guidance concerning cluster developments is Smart Growth Principles, published by the State. Paul goes on to say that one of the strategies proposed by Smart Growth is that low density areas (5 – 20 acre lot sizes) are typically done as an overlay, as opposed to an entire zoning district, to which this option is counter balanced by providing for clusters, in targeted areas, to have a tighter density. Paul further commented that he isn't opposed to Mr. Bolton's petition, with the exception that it doesn't target specific areas. Paul said that, according to the zoning map, between 60 – 70% of the town would be affected by this proposed petition. Paul recommends becoming more sophisticated in targeting areas for lot density. Paul also suggested that the WCC can require each applicant to at least entertain the notion of open space design, which of itself would create more open space than grants, purchases, buying building rights, etc. Paul also stated that there is always of possibility of developments occurring having lower grade designs, but, by ordinance reviews, careful crafting of the regulations, and appropriate guidelines, this shortcoming can be minimized. One of his projects for 2005 is to totally refit the cluster regulations. Paul also recommends being more flexible in deciding how much land should go to open space of a cluster, possibly only 25% if that is the only amount of land suitable for this purpose. Paul is in favor of the *spirit* of what is currently proposed; however, he has reservations that it could hamper the long range strategy of putting together a workable ordinance. Pat: "Paul, just to be clear, what is the goal?" Paul: "I think the goal is twofold. On the one hand, you want to preserve the rural character, open spaces, esthetic appearances, etc., but at the same time you must provide for the individuals, by having a place to live, and to allow the community to grow. If you can attain that balance, you wind up with a strong economic base, ease the tax burden, and provide services at the rate people need them. Pat: "So your definition of open space concerns human use?" Paul: "I think there are a million reasons why you want open space. For instance, wetlands, recreation uses, or possibly just left alone. That's why a qualitative approach rather than a quantitative one should be utilized. It is also prudent to consider what the developer offers, and then to decide if it is good enough. Tom: "So we would be looking at the conceptual stage, with the Planning Board and Conservation, to evaluate the Open Space Proposal. I think this approach would work because of the establishment and function of the subcommittee, and we now have a map identifying all the protected parcels in town. Also, facilitation of identification would be to set up Arc View on someone's laptop". Paul: "On the heels of that, we had Cartographics come in and show us their package, and we thought this was great, but it has yet to be funded". Tom: "The Town has a contract with Cartographics, and they are supposed to be submitting the tax maps in Arc View, but currently there're submitting them in Auto Cad. So I believe the Selectmen will be all over Cartographics

regarding this issue. Also, I can see the need to have a workstation set up here at the meetings for both the Planning Board and Conservation Commission". Some discussion on the topic of clusters continued. Andrea: "How do we insure that cluster development will happen if this passes?" Frank: "I believe that having minimum 5 acre parcels would be an incentive to insuring that clusters would be adequately developed because there already exists plenty of 2 acre lots creating sprawl, which we are trying to avoid. Also, it is costly to overdevelop a large parcel, so that would be another incentive. Additionally, I don't think we are well served by retaining 2 acre parcels. I almost think its common sense. We still have the opportunity in this town to retain some of the rural character. In towns where sprawl is a problem, it is indicative that they have totally failed to address these problems. To avoid that from happening in Weare, we must be very aggressive in our planning". Tom: "If you can get the Planning Board to back you, then you really have some meat behind you. Paul, is there a growth management plan that the Planning Board is currently discussing regarding the number of building permits?" Paul: "There is a GMO that was drafted by the Growth Committee, product of the Community Profile, and it very much deals with building permits, using 1.7% based on the current number of dwelling units. I drafted an alternative which phases all major developments based on a strict schedule, and it also compromises the number of new lots that are available for building permits in any given year. Tom: "So if there is a stockpile of new developments, the developers would have to wait for a cue to begin building?" Paul: "That's essentially correct. I realize there are pros and cons involved here. I will send you an electronic copy of the new draft ordinances as soon as I can". Steve Lehmann: "In relation to open space in cluster developments, and as a board, we have been striving to fashion open space to be contiguous and interconnected with other open space parcels. So with this in mind, and excluding the obvious - wetlands, wildlife, sensitive areas, what would the WCC like to see protected on open space land?" Tom: "I think you pretty much covered the basics. However, if there is an adjacent open space parcel that is critical, it would take precedence over most other attributes. My focus is to link everything. So that is heavily weighted when looking at a cluster subdivision. And, of course, we would look at the land features such as vernal pools, rare and sensitive vegetation, or any other special considerations that need environmental protection". Pat: "I would like to see a biologist on site when we are speculating open space on clusters, so that he can review the property and identify the wildlife inventory. Most of the time we're not familiar with what's there". Tom: "You're right. It's a time consuming thing. We couldn't possibly get into that depth as would a professional. But we couldn't have an expert come on every situation". Pat: "I would suggest a certain size parcel". Steve Lehmann: "Where would you set that size?" Pat: "I don't know. But a major subdivision like Holly Hill would be appropriate". Paul: "It's

inevitable that we're going to rewrite the cluster ordinance, and I will be looking to this board for a lot of recommendations. Pat: "I'm wondering if there is a way to protect ridge lines, for the views they offer". Steve: "Also, we need to insure what we acquire in the open space tradeoff is not scrap, but has some significant value". Tom: "I look forward to joint site walks with the Planning Board in the future".

2) Peter Julia of Brown Engineering – Here to present a conceptual proposal of a cluster development, representing his client Dick Tate, and site located on Boivert Rd. It's a steep parcel, with average slope about 25%. In this concept, the road is configured serpentine in order to follow the ridge line, and also to avoid wetland impacts. There is proposed a "no disturbance" buffer circumventing the parcel, and in the wake of screening the buffer and house lots there would be created the required open space parcels, separate and noncontiguous. Some of the most salient points discussed during this presentation were:

- The largest wetland on the property is over an acre in size.
- 18 lots are proposed.
- Each lot will be between .7 to 1.4 acres in size.
- Part of the public access road is a 10% grade, 1% greater than the restricted 9%, so a waiver would be needed.
- There will be no common ownership of the open space.
- Density level of the development will be very low.
- The buffer surrounding the property is 100' wide, and is part of individual ownership.
- The open space is 26 acres out of a 48.3 acre parcel size.
- Each house lot is capable of sustaining its own septic.

Tom asked Peter, "why not design a conventional concept rather than a cluster?" to which Peter responded, "based on soil analysis, you can get 19 lots here, but in reality that's not possible because of the frontage, and also there's a problem with depth of the lots, figuring in buffers from the edge of the property lines, wetlands, and septic". Tom stated that he has a problem with the 100' "no disturbance" buffer that surrounds the parcel because it would be too difficult trying to manage since it would have individual private ownership, and realistically, would be unenforceable. Additionally, this 100' buffer concept is unfavorable with the Planning Board. Discussion on this topic continued. Tom: "This development may conform to cluster regs, but personally, I don't see this as an appropriate cluster". Peter: "This meets 100% of the cluster regulations. It could be denied on personal decision, but legally it can't be denied and that wouldn't bode well". Tom: "We would rather see a conventional development here because then you would end up with more usable open

space. The “no disturbance” zone in reality is protection for the lot owners”. Pat: “Tom, if it were developed conventionally, how would it differ in design?” Tom: “The main difference would be that I don’t see the buffer as manageable. Pat: “I’m not sure that having none of the property left as undisturbed is the better alternative. Tom: “Peter, did the Planning Board have any comments that this would be better as a standard subdivision?” Peter: “They asked me the same questions”. Tom: “On a conventional subdivision it would be easier to comply with all the setbacks. Pat: “That would mean going to 2 acre lots, is that correct?” Peter: “Yes, 2 acres as a minimum, with 200’ frontage. Pat: “Concerning that finger of open space land, we don’t know its conservation value. What is its acreage?” Peter: “Just over 10”. Peter continues: “What I’m hearing tonight from the WCC and the Planning Board recently, is that both concepts are unfavorable, mainly because of this particular configuration. You are tending to lean toward bigger lots, more open space and conventional design. I will try to reconceptualize with the new flavors, and come back. How does this board feel about the way we addressed wetland minimization?” Tom: “You will need to complete a standard wetland application, and as long as the engineer/developer have done what they can to minimize impacts, generally speaking, we have been supportive of their efforts. Andrea: “Would the wetland impact be greater with a conventional design?” Peter: “I think it would be less because of fewer drives.

3) Trevor Towne (for Jacques Belanger) – Some of the significant highlights of Mr. Townes presentation included:

- This subdivision is located on Rosedale Lane.
- The client decided to pursue a cluster type of subdivision.
- Peter Schauer delineated the wetlands.
- There is a large, possibly undeveloped parcel of land to the East and North of this property.
- All 9 lots range in size from 1 to 1.3 acres
- There are 24 acres comprising this lot.
- Ownership of the proposed open space is undecided at this point.
- Tom recommended keeping the 100’ buffer out of private ownership.
- There is a permanent structure on the lot, somewhat limiting reconfiguration options.

During his presentation, Mr. Townes displayed 3 different design concepts, using different configurations of open space. Some of the discussion that followed: Andrea: “Has the area been logged recently”. Trevor: “I don’t believe it has”. Tom: “Is the vegetation forest or yard?” (Speaking of the adjacent property). Trevor: “Vegetative mat”. Tom: “In what

capacity do you serve on this project?” Trevor: “I’m assisting Jacques in engineering this project, and I did the test pits”.

Pat recommended repositioning the lots so that the open space would contain more of the wetlands, and the open space would be more contiguous. Tom suggested keeping the 100’ buffer on the North side of the land, move the subdivided lots more to the West, and eliminate the right forked spur road. Mr. Townes stated that he would follow up on these recommendations and return at a future time to resubmit a new proposal. This plan has already been conceptually presented before the Planning Board.

4) Wetland Applications and/or Discussion:

- Michael and Diane Durgin, file # 2004-00967, was approved for access to a 21 lot subdivision on 53.9 acres.
- Robert J. Richards on Forest Rd., additional information is requested.

5) Planning Board:

- Channing Connor Revocable Trust, located on lot 409/140. Purpose is to provide land information to facilitate approval of the subdivision. The detailed map is shown proposing one new residential lot. Access is from Clough Park Rd. No comments to the Planning Board.
- Bryan and Suzanne Hubbard, purpose is to adjust the line common to lots 409/116, and 412/045 such that parcel A becomes a part of lot 409/116 and that the resulting assemblage be considered as one lot for record of assessment. No comments to Planning.
- Concord Stage Rd., LLC, on Woodbury RD., a site plan review of lot 210/043. Reviewed by the WCC, and no comments to Planning.
- Concord Stage Rd., LLC, on Collins Landing Rd., site plan review of map 401/004. Purpose is to show existing and proposed building locations on the provided plans. Comments from the WCC to Planning are that the proposed units 59 thru 62 are situated too close to a town easement. The WCC will recommend Planning to have the developer reconfigure the placement of these units, and also to ask the developer to resurvey and mark the easement behind these units.

6) Zoning – No issues.

7) Other Items:

- Hemlock Dr., a proposal submitted to the BOS to gain access to lot 401/79 through lot 401/118 (town owned) for a residential development. Tom will ask Andy to seek additional information on this issue, since Andy lives near this proposal, and may even know the abutter.
- Tom received updated copies of the Shoreline Protection Ordinances, and if members would like a copy, they should contact him.
- Tom requested comments for the yearly town report narrative. Pat suggested, without doubt, that the Wood Property Acquisition be included in that report.
- Pat would like to purchase 3 more copies of the updated NH Municipal Handbook to the appreciation of the Commission. Andrea will follow up on this and make the purchase.
- Margaret Watkins, of the PWA, appealed to the Commission to revoke the approval of an old subdivision, which never came to fruition, on Lake Horace Marsh. The crux of this matter is that this could remove a stumbling block to provide funding for the Abijah Bridge dam construction. Tom will make recommendation to the Planning Board to comply with this request.
- Andrea briefed the Commission on the recent warrant articles that were approved by the OSC which were to withdraw \$80,000 from the Town Forest Account, and to raise and appropriate \$250,000 for the purchase of Conservation land. These proposed articles were voted on and approved by the OSC to be sent to the WCC level, and the BOS level for further approval. Pat made motion to approve the concept behind these proposed articles, and Andrea 2nd. All voted in favor to accept the motion as stated and the motion carried.
- Tom briefed the Commission on his Middle School site walk with the Army Corps of Engineers, EPA, and Wetland Bureau, and the main outcome of the walk was the agreement to receive \$15,000 from the SAU in lieu of substituting the construction of a 6000 sq. ft. wetland for mitigation purposes.

8) Adjournment – Pat made motion to adjourn, and Andrea 2nd. All voted to accept adjournment, and the motion carried. With no further business to conduct, Tom adjourned the meeting at 11:10 PM.

Respectfully Submitted,

John Ciampi (secretary WCC)

cc: BOS

WCC Files

Town Clerk

Tina Pelletier